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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,579	06/25/2003	Franck Badets	STMI07-02021	4869
23990	7590	09/06/2005	EXAMINER	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			LAM, TUAN THIEU	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/603,579	BADETS ET AL. <i>PM</i>	
	Examiner Tuan T. Lam	Art Unit 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 July 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
  - 4a) Of the above claim(s) 4-23 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) 2 and 3 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 July 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

This is a response to the amendment filed 7/19/2005. The amendment made to the specification and drawings have been approved. Claims 1-3 are under examination.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1 remains rejected under 35 U.S.C. 102(e) as being anticipated by Martin et al. (US 2003/0016762). Figure 2 of Martin et al. shows a phase shifter circuit comprising an input for receiving an input signal (input signal to the first circuit 202 on the left hand side) having a specified oscillation frequency, an output delivering an output signal (output signal at the second or third or fourth 108A) having said specified oscillation frequency and having a variable phase shift with respect to said input signal, at least one control input receiving a control signal (202A) which controls the phase shift of said output signal with respect to said input signal, a synchronized oscillator (a plurality of circuits 202 circuits form a ring oscillator having output frequency similar to input frequency, thus anticipating the synchronized limitation) having at least a synchronization input coupled said input of said variable phase shifting circuit, at least one output coupled to said output of said output of the variable phase shifting circuit, said synchronized oscillator having a variable free running oscillation frequency controlled by said

control signal (the oscillation frequency of the ring oscillator is being control by the control signal) as called for in claim 1.

*Response to Arguments*

2. Applicant's arguments filed 7/19/2005 have been fully considered but they are not persuasive. Applicant argues that the ring inverters of Martin form a ring oscillator, i.e. output of the last stage coupled to the input of the first stage, thus, the phase shift of the output produced by the ring of inverters 202 is not variable with respect to the input provided to the ring of inverters is not persuasive. Claim recites "a synchronized oscillator having at least a synchronization input coupled to said input of the variable phase shift circuit and at least an output coupled to said output of the variable phase shifting circuit". Martin's figure 2 shows synchronized oscillator (a plurality of circuits 202 form a ring oscillator having output frequency similar to input frequency, thus anticipating the synchronized limitation) having at least a synchronization input coupled said input of said variable phase shifting circuit (input of the first circuit 202 on the left hand side), at least an output coupled to said output of said output of the variable phase shifting circuit (output of the last stage 202 is coupled to output 108A, i.e., the output of the phase shifting circuit). Therefore, Martin reference fully anticipates limitations of claim 1.

Applicant argues that the ring of inverters 202 can not anticipates the "synchronized oscillator" is not persuasive. Examiner construes "synchronized oscillator" is an oscillator having output frequency synchronized (equal) to the input frequency. In this instant, the ring

oscillator 108 produces output frequency equal to the input frequency. Therefore, the “synchronized oscillator” limitation is fully met.

*Allowable Subject Matter*

3. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2816

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T. Lam whose telephone number is 571-272-1744. The examiner can normally be reached on Monday to Friday (7:30 am to 6:00pm).

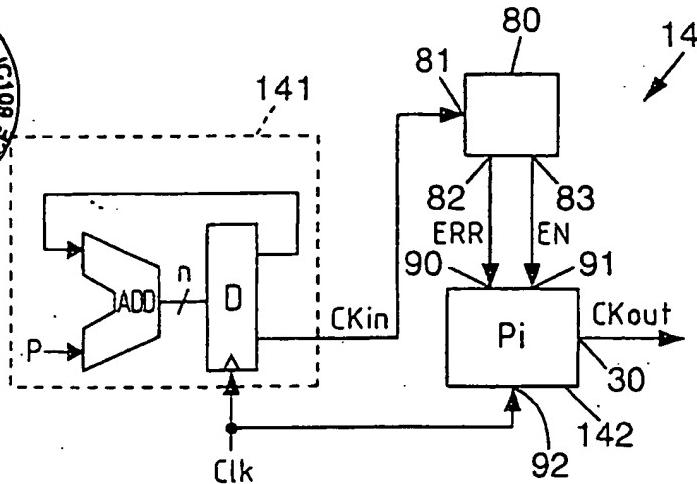
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIMOTHY P. CALLAHAN can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

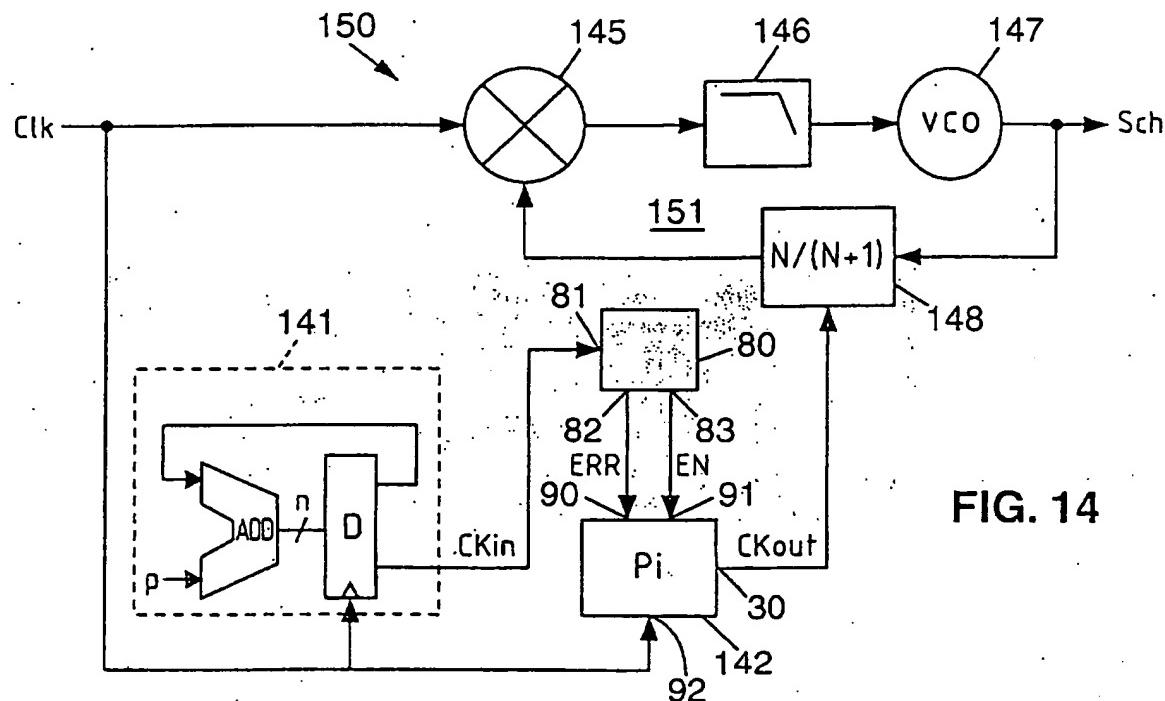


Tuan T. Lam  
Primary Examiner  
Art Unit 2816

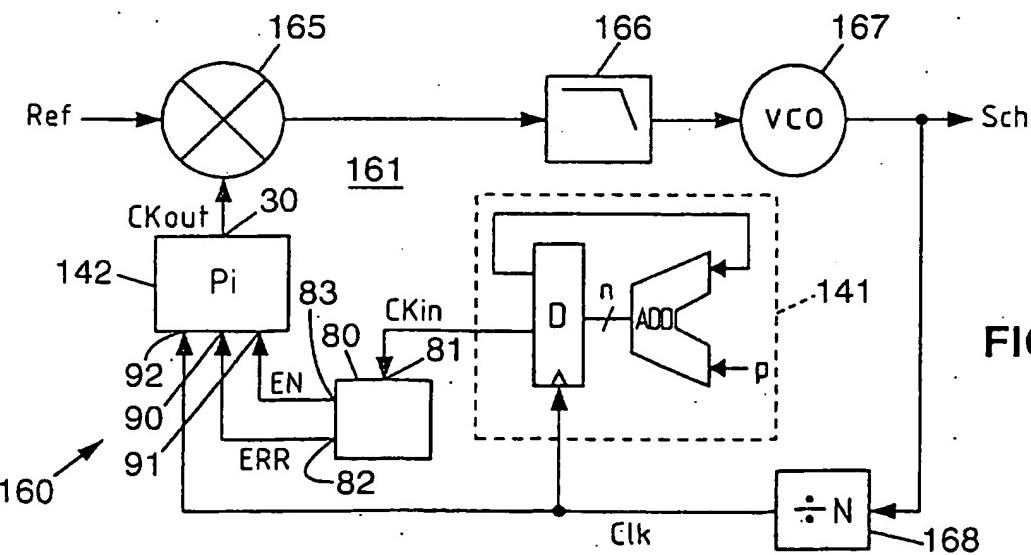
9/1/2005



**FIG. 13**



**FIG. 14**



**FIG. 15**